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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,690	12/17/2003	Javier B. Arellano	P24306	4131
7055 7590 11/01/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER PARKER, BRANDON	
			ART UNIT 2174	PAPER NUMBER
			NOTIFICATION DATE 11/01/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/736,690	Applicant(s) ARELLANO ET AL.	
	Examiner Brandon Parker	Art Unit 2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 1-5 and 13-17 remain pending in the application.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (US Patent 5,564,005 hereinafter, "Weber") in view of Mitchell et al (US Patent No. 6, 166,732 hereinafter, "Mitchell").

- Weber teaches a method for dynamically creating and delivering interactive personalized content in an electronic environment, comprising: (correlates to user information/personalized Abstract lines 1-7), (storage medium/computer readable medium storing, Weber Claim 1), (computer program/code for executing Col. 9 lines 43-46).
- providing a narrative framework (time zone, Abstract); sequencing and editing the narrative framework, based upon a profile of a user (i.e. usage patterns, Col. 27 lines 28-32), to create a dynamically generated narrative (Abstract, Col 9 line 48);
- modifying (i.e. manipulating) the dynamically generated narrative (i.e. display objects), (Col. 27 lines 50-53) based upon a delivery context (Col.

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16 lines 49-58); and rendering the modified narrative for presentation of a user (Weber Claim 11, Abstract);

- Weber does not explicitly show providing a narrative framework which comprises content elements, each content element comprising a plurality of types of representations having different media characteristics, and the content elements facilitating modification based upon a delivery content but does provides a system comprised of a time zone (i.e. dynamically generated narrative) into which the system user may enter information.
- Kumar discloses personalizing rich media presentations based on user response to the presentation (Abstract, title). Furthermore, Kumar discloses delivering personalized media presentations and a delivery logic rendering logic for dynamically changing (i.e. modifying) the rendered presentations and hypermedia descriptions based on said one of the selection events (Kumar Claim 14). Note: Kumar describes the media presentations as images, animated images, video images and audio (i.e. a plurality of types of representations having different media characteristics), (Col. 1 lines 20-35)
- It would have been obvious to one skilled in the art at the time of invention to combine the modified media types as taught by Kumar with the narrative framework system of Weber to efficiently and effectively customize and personalize distributed media.

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Claim 13 is similar in scope to claim 1 and is therefore rejected under similar rationale.

With respect to claim 2

- Weber teaches a method comprising updating (i.e. modifications to) the user profile based on a user interaction history (i.e. recalling memories). (Col 4 lines 40-44).

Claim 14 is similar in scope to claim 2 and is therefore rejected under similar rationale.

With respect to claim 3

- Weber teaches a method in which the user profile is created by gathering data from the user, analyzing a history of the user, monitoring data related to the user, and detecting patterns and trends of the user. (recalling memories/history, pattern, trends Col 4 40-44, compare/analyzing, determining/detecting Col 9 lines 29-32).

Claim 15 is similar in scope to claim 3 and is therefore rejected under similar rationale.

With respect to claim 4

- Weber teaches a method in which the delivery context comprises a display area (Col 15 lines 8-11).

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Claim 16 is similar in scope to claim 4 and is therefore rejected under similar rationale.

With respect to claim 5

- Weber teaches a method in which the delivery context comprises a network connection (Col 15 lines 50-56).

Claim 17 is similar in scope to claim 5 and is therefore rejected under similar rationale.

With respect to claim 6

- Weber teaches a method in which the narrative framework further comprises content elements, each content element comprising a plurality of types of representations having different media characteristics, facilitating modification based upon delivery context (manipulation/modification, pixels, symbols, numbers/media characteristics Col 9 19-26).

### **Response to Arguments**

Applicant's arguments filed 08/31/2007 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-5 and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6201948 discloses an agent based instruction system and method.

US Patent 6166732 discloses a distributed object oriented multi-user domain with multimedia presentations,

US Patent 6055542 discloses a system and method for displaying the contents of a web page based on a user's interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Parker whose telephone number is 571-270-1302. The examiner can normally be reached on Monday thru Friday 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2302.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon Parker  
BP  
Patent Examiner  
Art Unit 2174  
10/25/2007

/Steven P. Sax/  
Steven P. Sax